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DE RUEHRB #1201/01 3651226  
ZNY CCCCC ZZH  
P 301226Z DEC 08  
FM AMEMBASSY RABAT  
TO RUEHC/SECSTATE WASHDC PRIORITY 9499  
INFO RUCNMGH/MAGHREB COLLECTIVE  
RUCNDT/USMISSION USUN NEW YORK 0877

C O N F I D E N T I A L RABAT 001201

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STATE FOR NEA/MAG AND DRL/NESCA

E.O. 12958: DECL: 12/21/2018  
TAGS: PHUM PGOV PREL PBTS WI AG MO  
SUBJECT: AGADIR PROTEST DEATHS: TRAGIC BUT NOT DELIBERATE

Classified By: DCM Robert P. Jackson for reasons 1.4 (b) and (d).

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Summary  
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¶1. (C//NF) Based on information obtained during EmbOff's visit, it appears that a tragic accident, and not a premeditated act, led to the deaths of two Sahrawi (Western Saharan) students during a December 1 protest in the Moroccan city of Agadir. Separate statements from a Sahrawi participant in the demonstration, a local prosecutor, and several human rights attorneys agree on certain key facts that support the above conclusion. The deaths were widely reported in Polisario and affiliated media outlets as having been deliberate killings which were abetted by excessive use of police force and a subsequent Government of Morocco (GOM) cover up. End Summary.

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Background  
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¶2. (SBU) On December 2, a variety of Moroccan, Polisario and Algerian sources reported that two Sahrawi (Western Saharan) university students, Baba Khayya and Laktif Elhousin, had been killed during a demonstration at Al Masira inter-city bus station in the southern Moroccan city of Agadir the previous day. All reports indicated that the two were part of a group of approximately 40 Sahrawi students who had blocked the station's vehicle entry and exit gates to protest insufficient buses to transport the waiting students home for the Eid Al Adha vacation. (Note: As part of a special subsidy for Sahrawis studying in Moroccan universities, the GOM provides free bus tickets to allow students to return home during holidays. End Note.) The same sources also reported that Belkadi Embarek was in a coma as a result of injuries sustained in the incident, Elkherchi Mbarek suffered a broken hand, and Abdessalam Chtouki and Nafai Zaza were treated for severe bruising.

¶3. (SBU) Polisario and affiliated or sympathetic organizations strongly condemned the deaths and accused the driver of deliberately running down the students. They also accused the police of using excessive force in breaking up the demonstration and the GOM of covering up deliberate murder. Official and independent Moroccan news sources reported on the incident but claimed that protesters forced their way onto, and attempted to commandeer, the bus, causing the driver to veer into the crowd and kill Khaya and Elhousin. On December 5, Moroccan television aired an interview with the parents of the deceased students in which they said there was no political agenda in either the protest or the GOM's response and asked that their children's deaths not be "instrumentalized."

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Eyewitness's Perspective - The Driver Sped Up  
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¶4. (C//NF) Sid Ahmed El Moussaoui (strictly protect), a Sahrawi third-year law student at Ibn Zohr University in Agadir, and a participant in the December 1 protest, confirmed that student dissatisfaction over a lack of bus service sparked the demonstration. "We weren't really too serious, though," he said, "We laughed, clapped and sang." He reconstructed the events for PolOff during a walk-through at the bus station on the evening of December 17. Pointing at specific spots in the station lot, Moussaoui explained that a large SupraTour Company bus stopped at the edge of a circle of students who had formed up on the interior of the exit gate and raced its engine. The driver then began easing into the crowd but suddenly sped up, knocking some people to the ground and crushing three students against the wall of a guardhouse. Moussaoui did not know why the driver suddenly sped up. Given his position and distance from the bus, he could not see its front doors or driver's side. The vehicle came to a halt partially in and out of the station perimeter, blocking the right side gate. The driver escaped on foot.

¶5. (C//NF) After approximately 10 to 15 minutes, El Moussaoui said that another driver ran through the crowd, into the bus and drove it through the gate and away from the station. During the 10 to 15 minutes before the bus was removed, El Moussaoui saw several small police cars, each holding four or five officers, pull up outside the station wall near the gates. Immediately after the bus drove away, a large number of police officers in riot helmets entered the station through the now unblocked gate, and began dispersing the crowd with batons and arresting "everyone in sight." Moussaoui ran into the bus station, up two flights of stairs and onto the street where he hailed a taxi to take him home. He remembered seeing the police "stack the bodies on top of each other" before he ran.

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Prosecutor's Perspective - Driver Was Grabbed  
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¶6. (C//NF) Agadir General Prosecutor Lahbib Bendahan Abu Zir told PolOff during a December 19 meeting in his Agadir office that the bus driver had been charged with the equivalent of involuntary manslaughter and was in custody pending completion of an investigation. Abu Zir's account of the December 1 incident agreed with El Moussaoui's on all major points with the notable exception that Abu Zir said protesters forced open the bus doors and lunged at the driver, causing him to swerve and strike the victims. Abu Zir said he considered it unjust that the driver was in jail, while none of the protesters were. "The individuals who broke into the bus are just as responsible for this tragedy," he complained. Abu Zir also strongly denied any allegation of excessive force, saying that police reacted swiftly and decisively at a critical moment to defuse a tense situation in which an unknown number of people had been injured. "It could have easily have gotten worse had they not moved in," he explained.

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Lawyers' Perspective - No Political Agenda  
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¶7. (C//NF) Three prominent, Agadir-based, Moroccan human rights lawyers not personally involved in the bus station case confirmed, during a December 18 meeting with PolOff, that there were two stories circulating about the incident. One version, which they said had currency in the university, charged the driver with speeding up out of anger over the fact that "Sahrawi punks" were blocking his way. The other, believed by those in "the streets," implicated protesters who forced their way onto the bus "in the way that overexcited youths do" and inadvertently frightened the driver into causing an accident. The three lawyers, Noureddine El Alami, Ali Bakkar and Lahoucine Boufim (strictly protect all), said

"whatever the truth," they did not believe it was a deliberate act, nor was there a GOM coverup. "If there was any evidence of a human rights violation or political agenda, we would have taken the case free of charge," Boufim commented.

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Comment  
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¶8. (C//NF) There appears to be no disagreement on the basic facts of the December 1 incident. The main dispute centers on responsibility for the bus driver's sudden increase in speed. Based on PolOff's examination of the site, there is little room for clearance between the guardhouse wall and the sides of passing buses, and no avenue of escape. Given the circumstances, location and chain of events, both theories as to the cause of the accident are credible. Eyewitness El Moussaoui could not explain why the driver suddenly sped up, but from his vantage point, he also could not see if any of his fellow students forced their way into the bus. If it becomes apparent that the driver did decide on his own to push his way through, the fact that he is in jail and being investigated points to an appropriate judicial response at this stage of the process. Regardless of the final outcome, Mission does not believe there was premeditation or a cover-up on the part of anyone involved in this tragic event.

End Comment.

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